

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ORLANDO RODRÍGUEZ, et al

Plaintiffs

v.

CROWLEY TOWING & TRANSPORTATION
CO. AND SEAFARERS INTERNATIONAL
UNION

Defendants

CIVIL NO. 98-1548 (CCC)
Consolidated with
CIVIL NO. 97-2437 (CCC)

**JOINT MOTION FOR THE COURT TO ISSUE
APPEALABLE PARTIAL JUDGMENT AND STAY OF PROCEEDINGS**

TO THE HONORABLE COURT:

COME NOW the parties, through their undersigned attorneys, and very respectfully plead and pray as follows:

1. On December 11, 2000, the Court entered an Opinion and Order and Judgment granting in part and denying in part Plaintiffs' Motion for Leave to File An Amended Complaint. (Docket No. 38). In said Opinion and Order, the Court granted the Plaintiffs leave to amend the Complaint only as to Luis Alvarez and Miguel Vázquez. However, it denied the amendment as to the other ninety-four (94) additional plaintiffs.

2. On December 20, 2000, Plaintiffs filed a motion titled "Plaintiffs' Motion for Entry of a Rule 54(B) Judgment" (Docket No. 91). This Motion is still pending before the Court.

3. On September 30, 2004, the Court issued an Opinion and Order where it entered partial judgment dismissing all the causes of action in the case, except with respect to four (4) of the eight (8) remaining Plaintiffs, to wit: Angel Ortiz Angleró, Reinaldo Ilarraza Medina,

Joint Motion for Entry of Rule 54(B) Judgment
Civil Nos. 98-1548 and 97-2437
Page 2

Miguel Vázquez and Luis Alvarez. (Docket No. 129). In relation to these four Plaintiffs, the only claim that remained was one under Section 301 of the Labor Management Relations Act.

4. Through an Order dated October 4, 2004, the Court scheduled the Trial to be held on February 25, 2005 for the remaining Plaintiffs. (Docket No. 131) The Court also ordered the parties to attend a Settlement Conference.

5. After the second Settlement Conference held on January 11, 2005 before Magistrate Judge Justo Arenas, Crowley Towing and Transportation Co. and Seafarers International Union settled the consolidated cases with two (2) of the four (4) Plaintiffs, to wit, Angel Ortiz Angleró and Reinaldo Ilarraza Medina. However, the case has not been settled with Vázquez and Alvarez; the four (4) Plaintiffs whose case was dismissed on September 30, 2004 (Docket No. 129); and the ninety-four (94) who were not allowed to join on December 11, 2000. (Docket No. 38).

6. Since Plaintiffs have indicated they wish to appeal the Opinion and Order of December 11, 2000 (Docket No. 38), as well as the Opinion and Order of September 30, 2004 (Docket No. 129), but are unable to because there is no final judgment, the parties agreed during the Settlement Conference that a joint motion would be filed requesting the Court to issue a partial final judgment under Rule 54(B) in relation to its September 20, 2004 Order (Docket No. 129), and the Opinion and Order issued on December 11, 2000 (Docket No. 38), denying leave to amend the Complaint to add ninety-four additional plaintiffs. Since the Trial of the case is scheduled for February 25, 2005, the parties also agreed to request a stay of proceedings pending the appeal.

Joint Motion for Entry of Rule 54(B) Judgment
Civil Nos. 98-1548 and 97-2437
Page 3

7. The outcome of the appeal could have a bearing on the case of the remaining two (2) Plaintiffs. Moreover, it could also facilitate the settlement of the case of the two (2) remaining Plaintiffs. Therefore, in order to avoid unnecessary costs and resources involved in the trial, the parties jointly also request that the proceedings as to the remaining two (2) Plaintiffs be stayed until an appeal may be taken.

WHEREFORE, it is respectfully requested that this Honorable Court stay the proceedings and grant the parties' joint request.

CERTIFICATE OF SERVICE: We hereby certify that on this same date we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Ana R. Biascoechea, biascoechea@microjuris.com; Ellen Silver, Esq., esilver@seafarers.org. We also certify that we have mailed by United States Postal Service the document to the following non DM/EDF participants: Luis A. Suárez Zayas, Esq., 2108 Ave. Borinquen, San Juan, P.R. 00915, and J. H. Zidell, 300 71st St. #605, Miami Beach, FL 33141.

In San Juan, Puerto Rico, this 21st day of January, 2005.

Ana Rosa Biascoechea, Esq.
USDC-PR 119805
P.O. 195332
San Juan, PR 00919-5332
Tel. (787) 753-7772 Fax (787) 250-7772

Luis A. Suárez, Esq.
USDC-PR 118903
2108 Ave. Borinquen
San Juan, PR 00915
Tel. (787) 761-3037 Fax (787) 727-7284

J.H. Zidell, Esq.
USDC-FL 0010121
300 71st St. #605
Miami Beach, FL 33141

s/ Raquel M. Dulzaides, Esq.
USDC-PR 201406
JIMENEZ GRAFFAM & LAUSELL
P.O. Box 366104
San Juan, PR 00936-6104
Tel. (787) 767-1030/ Fax (787) 751-4068
usdccases@jgl.com

Ellen Silver, Esq.
USDC-MD 07548
Seafarers International Union
5201 Auth Way
Camp Springs, Maryland 20746-4275
Tel. (301) 899-0675/ Fax (301) 899-7355

Joint Motion for Entry of Rule 54(B) Judgment
Civil Nos. 98-1548 and 97-2437
Page 4

Tel. (305) 865-6766 Fax (305) 865-7167